REMARKS

The Office Action addresses claims 1-22. By the foregoing amendment, new claims 23-25 are presented for consideration. Claims 1-25 remain in the application. Claim 13 stands rejected under 35 USC §112. Claim 10 stands rejected under 35 USC §101. Claims 1-5, 10-11, 13-15 and 17-22 stand rejected under 35 USC §102. Claims 6-9, 12 and 16 stand rejected under 35 USC §103. These rejections are respectfully traversed. In light of the foregoing amendment and the following remarks, withdrawal of the rejections and reconsideration of the claims are respectfully requested.

In the Office Action, the Examiner indicates that the references cited in the search report issued by the EPO on 6/8/04 have been considered but will not be listed on a patent resulting from the application, because they were not provided on a separate list in compliance with 37 CFR 1.98(a)(1). Applicant does not understand this indication, in that the references cited were listed on a Form PTO-1449, submitted at filing, and returned initialed by the Examiner with the Office Action. Further, the EPO references cited are equivalent to the US references found on the Examiner's list of cited references, also enclosed with the Office Action. The "Malloc" reference should have also been provided with the International search report; however, a copy is now enclosed, attached to this Response. No further action is deemed required.

The specification has been objected to because it lacks titles separating the various sections. By the foregoing amendment, section titles have been added. Withdrawal of the objection is respectfully requested.

Claim 13 stands rejected under 35 USC §112, second paragraph. By the foregoing amendment, claim 13 has been amended to overcome this rejection. Withdrawal of the rejection is respectfully requested.

Claim 10 stands rejected under 35 USC §101, because the claimed invention is directed to non-statutory subject matter.

Specifically, the claim includes language directed to a data base or operating system, deemed software by the Examiner. Accordingly, the reference to a data base or operating system has been deleted. Withdrawal of the rejection of claim 10 is respectfully requested.

Claims 1-5, 10-11, 13-15 and 17-22 stand rejected under 35 USC §102(b) as being anticipated by Nakhimovsky U.S. Patent No. 6 058 460. This rejection is respectfully traversed.

It is well established that in order for a claim to be anticipated by a prior art reference, each and every element of the claim must be found in that reference. Nakhimovsky '460 discloses a method of allocating memory in a multi-threaded (parallel) computing environment in which threads running in parallel within a process are associated with one of a number of memory pools of a system memory. The method includes the steps of establishing memory pools in the system memory, mapping each thread to one of the memory pools, and, for each thread, dynamically allocating user memory blocks from the associated memory pool. According to the abstract, the method allows any existing memory management malloc package to be converted to a multi-threaded version so that multi-threaded processes are run with greater efficiencies. However, Nakhimovsky '460 does not disclose that individual systems reserve themselves free data areas or address areas in a data storage device, and that the reserved areas are then blocked for access from other individual systems, with areas which are speculatively extended by expansion areas in comparison with the directly required areas being reserved, as required by claim 1. More specifically, Nakhimovsky '460 does not disclose any speculative extension of reserve areas for data storage, associated with respective individual systems. Instead, Nakhimovsky '460 discloses the use of malloc sub-routine which sequentially allocates memory from the pool as required by each process or system. This sequential allocation disclosed by Nakhimovsky '460 does not teach the speculative extension by expansion areas as required by claim

1, or by new independent claim 23. Accordingly, claim 1 is not anticipated by Nakhimovsky '460. Claims 2-22 depend from claim 1, further defining the invention, and should be considered allowable therewith. Withdrawal of the rejection of claims 1-22 and reconsideration of the claims are respectfully requested.

Claim 6-9, 12 and 16 stand rejected under 35 USC §103(a) as being unpatentable over Nakhimovsky '460 in view of Bishop et al. U.S. Patent 5 826 082. This rejection is respectfully traversed.

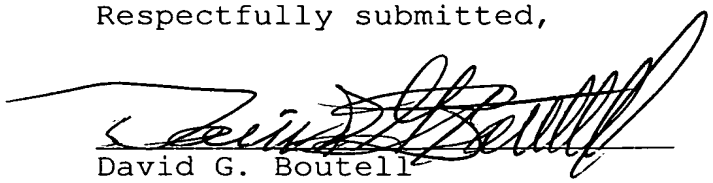
In order to establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)

As discussed above with respect to claim 1, Nakhimovsky '460 does not disclose each and every element found in claim 1. Bishop et al '082 does not cure the shortcomings of Nakhimovsky '460 with respect to claim 1. Therefore, the cited references, either alone or in combination, do not meet all of the limitations of claim 1 or claims 6-9, 12 and 16, which depend from claim 1. Accordingly, withdrawal of the rejection of claims 6-9, 12 and 16 and reconsideration of the claims are respectfully requested.

In light of the foregoing amendment and remarks, the claims remaining in the application should be considered in condition for allowance and early notice of allowability is

courteously solicited. If necessary to further prosecution of the application, the Examiner is invited to contact the Applicant's representatives below.

Respectfully submitted,



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